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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION
12

13 ANITA KOURY,) Civil No. 1:20-cv-01417-EPG (SS)
14 Plaintiff,)
15 v.) STIPULATION AND ORDER TO
16) EXTEND BRIEFING SCHEDULE
17 KILOLO KIJAKAZI,) (ECF No. 19)
Acting Commissioner of Social Security,)
18 Defendant.)
19

1 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security
2 (the “Commissioner”), shall have an extension of time to file her opposition to Plaintiff’s opening brief
3 in this case. In support of this request, the Commissioner respectfully states as follows:

4 1. Primary responsibility for handling this case has been delegated to the Office of the
5 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

6 2. Defendant’s response to Plaintiff’s opening brief was due November 17, 2021. Defendant
7 has not previously requested an extension of time for this deadline.

8 3. The Region IX Office currently handles all district and circuit court litigation involving
9 the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

10 4. The Region IX Office employs 47 staff attorneys, of whom 27 handle civil litigation
11 involving the Social Security program in the eight assigned jurisdictions, at least part-time. The Region
12 IX Office currently has a significant increase in merit briefs due beyond historical averages.

13 5. In addition to this “program” litigation, the 27 staff attorneys in the Region IX Office
14 maintain other workload responsibilities, with most of them dedicating 40 percent or more of their time
15 to these workloads. The Region IX Office provides a full range of legal services as counsel for the Social
16 Security Administration, in a region that covers four states (including the most populous state in the
17 nation) and three territories. These other workloads include employment litigation; civil rights
18 investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics, including
19 employee conduct and performance, reasonable accommodation, hostile work environment, ethics,
20 Privacy Act and disclosure, torts, property, and contracts.

21 6. Due to the volume of the overall workload within the Region IX Office, the Region IX
22 Office is receiving assistance from attorneys in other regions with briefing. This case was selected for
23 assistance with briefing. In the referral to another region, this case was inadvertently calendared as due
24 under a 45 day briefing schedule instead of the 30 day briefing schedule (Dkt. No. 5). Counsel for the
25 Commissioner apologizes to the Court and Plaintiff for this oversight. Because of the briefing workload,
26 Defendant seeks an extension of 30 days, until December 17, 2021, to respond to Plaintiff’s opening
27 brief.
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8. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until December 17, 2021, to file her opposition to Plaintiff's opening brief.

Respectfully submitted,

Date: November 23, 2021

LOTT LAW OFFICES

By: /s/ Caspar Chan for Shellie Lott*

SHELLIE LOTT

**Authorized by email on November 23, 2021*

Attorneys for Plaintiff

Date: November 23, 2021

PHILIP A. TALBERT

Acting United States Attorney

Eastern District of California

By: /s/ Caspar Chan

CASPAR CHAN

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation (ECF No. 19), IT IS ORDERED that Defendant shall have until December 17, 2021, to file an opposition to Plaintiff's opening brief. All other deadlines in the Court's scheduling order are extended accordingly.

IT IS SO ORDERED.

Dated: November 23, 2021

/s/ Eric P. Gray

UNITED STATES MAGISTRATE JUDGE